

The opinion in support of the decision being entered today
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JISUNG WOO

Appeal 2007-2842
Application 09/873,638
Technology Center 3600

DECIDED: September 20, 2007

Before TONI R. SCHEINER, DONALD E. ADAMS, and LORA M. GREEN,
Administrative Patent Judges.

SCHEINER, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1-10, all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

DISCUSSION

“The present invention relates to a changer for disk-shaped recording media” (Spec. 1: 3-4). “According to the invention [] disk plates are mounted at one end via a hinge . . . in such a way that they can pivot about

an horizontal axis of the chassis of the changer” (*id.* at 1: 33-36). “[T]he pivoting movement of the disk plates and their corresponding spreading operation [enables] the user [to] access all disks inside the changer . . . except that disk or those disks which are just subjected to playback on a pick-up or an equivalent reader” (*id.* at 2: 3-7).

Claim 1 is representative of the claimed subject matter:

1. A changer for disk-shaped recording media including a drawer slidably mounted within a chassis of the changer and supporting a number of disk plates arranged one above the other and provided to hold a disk therein, wherein at least one disk plate is mounted at one end via a hinge at the drawer in such a way that it is pivotable about a horizontal axis of the chassis of the changer.

Figure 1 of the instant Specification illustrates an embodiment of the invention that meets the limitations of claim 1. The disk plates are shown in a non-pivoted position. Figure 1 is reproduced below:

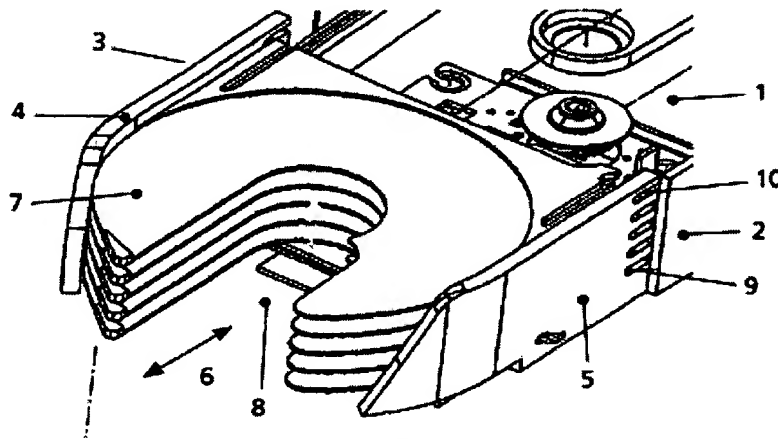
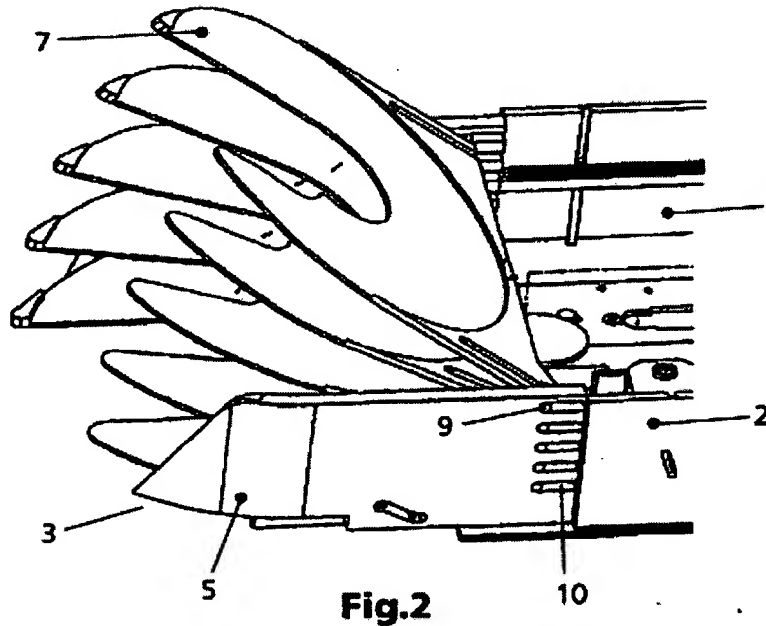


Fig.1

According to the Specification, “[t]he disk plates 7 are pivotally mounted by hinges at the side walls 4, 5 of the drawer 7 [sic, 3]” and “[t]his pivotable mounting is implemented by pins 9 at a rear edge of the disk plates 7 cooperating with slots 10 within the side walls 4, 5” (Spec. 4: 10-13).

Figure 2 of the instant Specification shows the same embodiment as Figure 1, but with the disk plates pivoted about the hinges formed by the pins 9 and the slots 10. Figure 2 of the instant Specification is reproduced below:

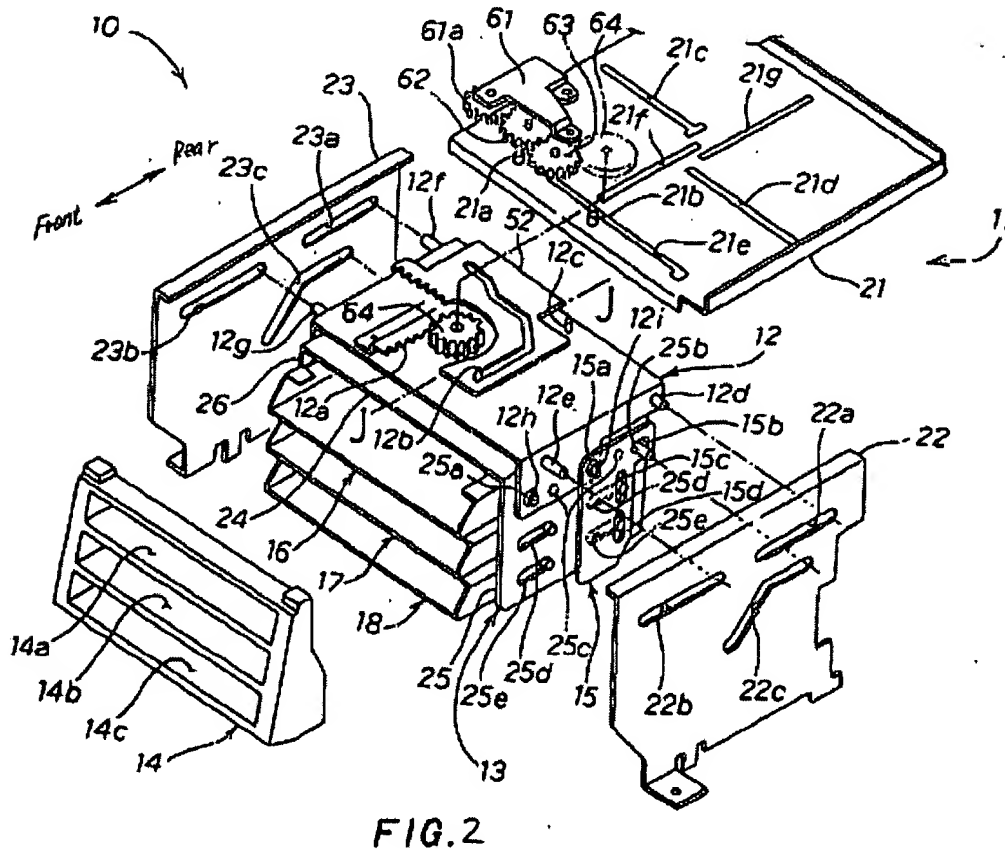


Anticipation

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as anticipated by Yamanaka.¹ Appellant has not argued the rejected claims separately. Therefore, we will focus on claim 1 as representative of the claimed subject matter, and claims 2-10 will stand or fall with claim 1, as provided for in 37 C.F.R. § 41.37(c)(1)(vii).

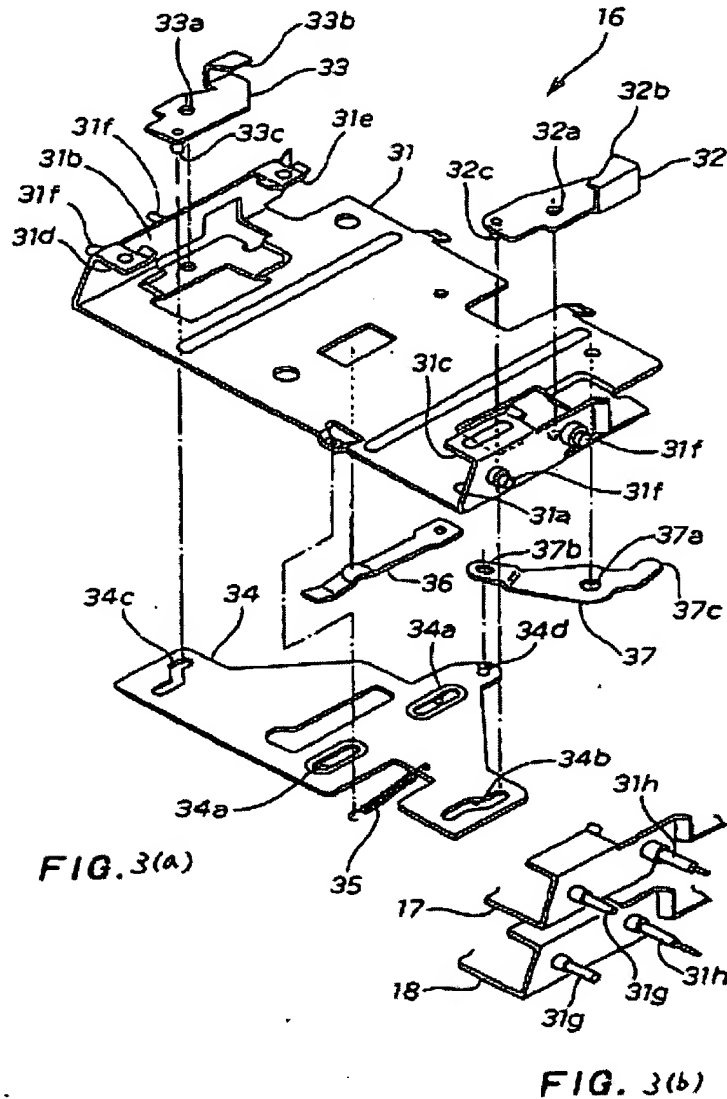
¹ European Patent Application EP 0 905 686 A2 to Yamanaka et al., published March 31, 1999.

The Examiner contends that Yamanaka “discloses a changer comprising all the elements recited in the above listed claims . . . as shown in Fig 2” (Answer 3). Yamanaka’s Figure 2 is reproduced below:



According to the Examiner, Yamanaka's Figure 2 illustrates a disk changer that includes "a disk-shaped recording media drawer (12, 13) slidably mounted within a chassis (11) and supporting a number of disk plates (16, 17, 18) arranged one above the other and provided to hold a disk [] therein" (Answer 3). According to the Examiner, "at least one disk plate [is] mounted at one end via a hinge at the drawer in such a way that it is pivotable about a horizontal axis of the chassis of the changer, wherein the

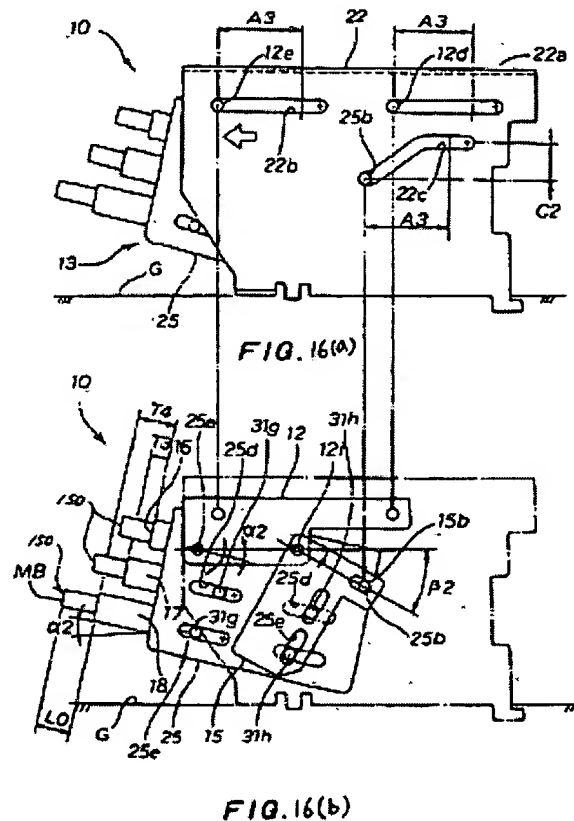
disk plate is provided with a pin 31h at its edge, such as shown in Fig 3(b), remote from the edge at which the disk can be drawn from the disk plate” (*id.*). Yamanaka’s Figures 3(a) and 3(b) are reproduced below:



The Examiner notes that pin 31h “cooperat[es] with an opening 25 in a side wall of the drawer or an opening within a side wall of the chassis . . . [wherein the] opening within the side wall of the chassis has the form of a slot extending perpendicular to the pivoting axis of the disk plates” (*id.*).

The slot in the side wall of the chassis “includes a horizontal section and a subsequent downwardly inclined section, such as shown in Fig 2, enabling a pivoting of the disk plate within the drawer about a horizontal axis” (*id.*).

Figures 16(a) and 16(b) “illustrate the frontmost position of the stocker mechanism 10 wherein the base frame 12 is moved forward from the standby position by the distance A3 and reaches the cartridge loading/unloading position . . . Fig. 16(a) illustrates the stocker mechanism 10 as viewed from the side of the right side chassis 22. Fig. 16(b) omits the right side chassis 22” (Yamanaka ¶ 94). Figures 16(a) and 16(b) are reproduced below:



Appellant contends that Yamanaka “teaches a completely different arrangement in which only a subframe retained by a base frame of a chassis of a storage medium stocker is pivotable instead of a disk plate as recited in Appellant[’s] claims 1-10” (Appeal Br. 4).

The issue raised by this appeal, then, is whether the claimed disk changer is distinguishable over Yamanaka’s device. Appellant’s argument does not persuade us that it is.

During examination, claims are to be given their broadest reasonable interpretation. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1364, 70 USPQ2d 1827, 1830 (Fed. Cir. 2004). “An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.” *In re Zletz*, 893 F.2d 319, 322, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

First, we agree with the Examiner that “the claim[] language fails to provide adequate structural limitations to the claim in order to distinguish from Yamanaka” (Answer 4). Second, we disagree with Appellant’s assertion that only the sub-frame, and not the stocker tray, of Yamanaka’s device is pivotable. Specifically:

- Yamanaka’s “base frame 12 is disposed in the chassis 11 so as to be slidable in a loading direction” (Yamanaka ¶ 19), and “[t]he sub-frame[] 13 is retained pivotably by the base frame 12” (*id.*). Thus, base frame 12 and sub-frame 13, together, are slidably mounted within the chassis, and we agree with the Examiner that these two elements comprise the claimed “drawer slidably mounted within a chassis of the changer” (instant claim 1).

- Yamanaka's slidably mounted base frame and sub-frame support stocker trays "laid to overlap each other in a direction substantially perpendicular to a loading/unloading direction" (Yamanaka ¶ 10). Thus, we agree with the Examiner that Yamanaka describes a disk changer in which a slidably mounted drawer "support[s] a number of disk plates arranged one above the other and provided to hold a disk therein" as required by claim 1.
- Finally, as explained in Yamanaka, when "the base frame 12 is moved forward from the standby position . . . and reaches the cartridge loading/unloading position" (Yamanaka ¶ 94), it "remains parallel to the mount wall G, while the sub-frame 13 swings clockwise through an angle α_2 about the pivot 25a on the base frame 12" (*id.* at ¶ 96). "The swing of the sub-frame 13 through the angle α_2 causes the first to third stocker trays 16 to 18 to swing upward through the angle α_2 " (*id.* at ¶ 97). Rear pins 31h, installed on the outer rear surfaces of the stocker trays, allow the stocker trays to swing upward along with the sub-frame 13. For example, "[t]he second and third stocker trays 17 and 18 have the front pins 31g inserted into the laterally elongated holes 25d and 25e of the [] side plate of the sub-frame 13 and the rear pins 31h . . . inserted into the laterally elongated holes 15c and 15d of the cam plate so that they can move in parallel to the first stocker tray 16 and rotate about the pin 25a of the base frame 12 through the sub-frame 13" (*id.* at 86). In other words, rear pins 31h, installed on the stocker trays and engaging slots in the sub-frame, are hinges that allow the stocker trays (i.e., disk plates) to pivot about a horizontal axis with respect to the chassis. Thus, we agree with the Examiner that Yamanaka describes "at least one disk plate [] mounted at one end via a hinge at the drawer in such a way that it is pivotable about a horizontal axis of the chassis of the changer" (instant claim 1).

We find that Yamanaka describes a disk changer meeting all of the limitations of claim 1. As discussed above, claims 2-10 stand or fall with claim 1. Accordingly, the rejection of claims 1-10 under 35 U.S.C. § 102(b) is affirmed.

SUMMARY

The Examiner's rejection of claims 1-10 under 35 U.S.C. § 102(b) as anticipated by Yamanaka is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED

sah

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